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Docket No.: 00306-00142-USU  
(PATENT)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of:  
Johnnie R. Roberts et al.

Application No.: 09/916611

Confirmation No.: 8709

Filed: July 27, 2001

Art Unit: 1616

For: MANUFACTURE AND USE OF A  
HERBICIDE FORMULATION

Examiner: A. N. Pryor

**AMENDMENT IN RESPONSE TO NON-FINAL OFFICE ACTION**

MS Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

**INTRODUCTORY COMMENTS**

In response to the Office Action dated May 3, 2006, please amend the above-identified  
U.S. patent application as follows:

**Amendments to the Claims** are reflected in the listing of claims which begins on page 2  
of this paper.

**Remarks/Arguments** begin on page 26 of this paper.

463649

PTO/SB/97 (09-04)

Approved for use through 07/31/2008. OMB 0851-0031

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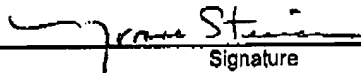
Application No. (if known): 09/916611

Attorney Docket No.: 00308-00142-USU

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on August 17, 2006  
Date



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## MS Amendment

DATE: August 17, 2006

PTO IDENTIFIER: Application Number 09/916611-Conf. #8709  
Patent Number

Inventor: Johnnie R. Roberts et al.

MESSAGE TO: US Patent and Trademark Office

FAX NUMBER: (571) 273-8300

FROM: CONNOLLY BOVE LODGE & HUTZ LLP  
Ashley I. Pezzner

PHONE: (302) 658-9141

Attorney Dkt. #: 00306-00142-USU

PAGES (Including Cover Sheet): 35

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| <b>FEE TRANSMITTAL</b><br><b>For FY 2006</b>                                   |  | <b>Complete if Known</b> |                        |
| <input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27 |  | Application Number       | 09/916,811-Conf. #2968 |
| <b>TOTAL AMOUNT OF PAYMENT</b> (\$) 0.00                                       |  | Filing Date              | July 27, 2001          |
|  |  | First Named Inventor     | Johnnie R. Roberts     |
|  |  | Examiner Name            | A. N. Pryor            |
|  |  | Art Unit                 | 1616                   |
|  |  | Attorney Docket No.      | 00306-00142-USU        |

|   |   |
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| <b>METHOD OF PAYMENT</b> (check all that apply)   |   |
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|---|---------------------|---|--------------------|----------------------|----------------------------------|-----------------|-----------------------|
| <b>FEE CALCULATION (All the fees below are due upon filing or may be subject to a surcharge.)</b>   |                     |   |                    |                      |                                  |                 |                       |
| <b>1. BASIC FILING, SEARCH, AND EXAMINATION FEES</b>  |                     |   |                    |                      |                                  |                 |                       |
|   | <b>FILING FEES</b>  |   | <b>SEARCH FEES</b> |                      | <b>EXAMINATION FEES</b>          |                 |                       |
|   |                     | Small Entity  |                    | Small Entity         |                                  | Small Entity    |                       |
| <b>Application Type</b>   | <b>Fee (\$)</b>     | <b>Fee (\$)</b>   | <b>Fee (\$)</b>    | <b>Fee (\$)</b>      | <b>Fee (\$)</b>                  | <b>Fee (\$)</b> | <b>Fees Paid (\$)</b> |
| Utility   | 300                 | 150   | 500                | 250                  | 200                              | 100             |                       |
| Design  | 200                 | 100   | 100                | 50                   | 130                              | 65              |                       |
| Plant   | 200                 | 100   | 300                | 150                  | 160                              | 80              |                       |
| Reissue   | 300                 | 150   | 500                | 250                  | 600                              | 300             |                       |
| Provisional   | 200                 | 100   | 0                  | 0                    | 0                                | 0               |                       |
| <b>2. EXCESS CLAIM FEES</b>   |                     |   |                    |                      |                                  |                 |                       |
|   |                     |   |                    |                      |                                  | Small Entity    |                       |
| <b>Fee Description</b>  |                     |   |                    |                      |                                  | <b>Fee (\$)</b> | <b>Fee (\$)</b>       |
| Each claim over 20 (including Reissues)   |                     |   |                    |                      |                                  | 50              | 25                    |
| Each independent claim over 3 (including Reissues)  |                     |   |                    |                      |                                  | 200             | 100                   |
| Multiple dependent claims   |                     |   |                    |                      |                                  | 360             | 180                   |
| <b>Total Claims</b>   |                     | <b>Extra Claims</b>                                     | <b>Fee (\$)</b>    | <b>Fee Paid (\$)</b> | <b>Multiple Dependent Claims</b> |                 |                       |
| 75  |                     | - 62 =  | x                  | =                    | <b>Fee (\$)</b>                  |                 |                       |
| <b>Indep. Claims</b>  |                     | <b>Extra Claims</b>                                     | <b>Fee (\$)</b>    | <b>Fee Paid (\$)</b> | <b>Fee Paid (\$)</b>             |                 |                       |
| 5   |                     | - 5 =   | x                  | =                    |                                  |                 |                       |
| HP = highest number of total claims paid for, if greater than 20.<br>HP = highest number of independent claims paid for, if greater than 3.   |                     |   |                    |                      |                                  |                 |                       |
| <b>3. APPLICATION SIZE FEE</b>  |                     |   |                    |                      |                                  |                 |                       |
| If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s). |                     |   |                    |                      |                                  |                 |                       |
| <b>Total Sheets</b>   | <b>Extra Sheets</b> | <b>Number of each additional 50 or fraction thereof</b> | <b>Fee (\$)</b>    | <b>Fee Paid (\$)</b> |                                  |                 |                       |
| - 100 =   | / 50                | (round up to a whole number) x                          | =                  |                      |                                  |                 |                       |
| <b>4. OTHER FEE(S)</b>  |                     |   |                    |                      |                                  |                 |                       |
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| Other (e.g., late filing surcharge): _____  |                     |   |                    |                      |                                  |                 |                       |

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|---------------------|---|--------------------------------------|-----------------|
| <b>SUBMITTED BY</b> |   |                                      |                 |
| Signature           |  | Registration No.<br>(Attorney/Agent) | 35,646          |
| Name (Print/Type)   | Ashley I. Pezzner   | Telephone                            | (302) 658-9141  |
|                     |   | Date                                 | August 17, 2006 |

|  |                                      |
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| <b>FEE TRANSMITTAL</b><br><b>For FY 2006</b>                                   |      | <b>Complete if Known</b> |                        |
|  |      | Application Number       | 09/916,611-Conf. #2968 |
|  |      | Filing Date              | July 27, 2001          |
|  |      | First Named Inventor     | Johnnie R. Roberts     |
|  |      | Examiner Name            | A. N. Pryor            |
|  |      | Art Unit                 | 1616                   |
|  |      | Attorney Docket No.      | 00308-00142-USU        |
| <input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27 |      |                          |                        |
| TOTAL AMOUNT OF PAYMENT  | (\$) | 0.00                     |                        |

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| <input type="checkbox"/> Deposit Account    Deposit Account Number: <u>03-2775</u> Deposit Account Name: <u>Connolly Bove Lodge &amp; Hutz LLP</u>   |   |
| For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)   |   |
| <input type="checkbox"/> Charge fee(s) indicated below   | <input type="checkbox"/> Charge fee(s) indicated below, except for the filing fee |
| <input checked="" type="checkbox"/> Charge any additional fee(s) or underpayment of fee(s) under 37 CFR 1.16 and 1.17  | <input checked="" type="checkbox"/> Credit any overpayments                       |

|   |                    |                     |                    |                     |                         |                     |                       |
|---|--------------------|---------------------|--------------------|---------------------|-------------------------|---------------------|-----------------------|
| <b>FEE CALCULATION (All the fees below are due upon filing or may be subject to a surcharge.)</b>   |                    |                     |                    |                     |                         |                     |                       |
| <b>1. BASIC FILING, SEARCH, AND EXAMINATION FEES</b>  |                    |                     |                    |                     |                         |                     |                       |
|   | <b>FILING FEES</b> |                     | <b>SEARCH FEES</b> |                     | <b>EXAMINATION FEES</b> |                     |                       |
|   |                    | <b>Small Entity</b> |                    | <b>Small Entity</b> |                         | <b>Small Entity</b> |                       |
| <b>Application Type</b>   | <b>Fee (\$)</b>    | <b>Fee (\$)</b>     | <b>Fee (\$)</b>    | <b>Fee (\$)</b>     | <b>Fee (\$)</b>         | <b>Fee (\$)</b>     | <b>Fees Paid (\$)</b> |
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| Provisional   | 200                | 100                 | 0                  | 0                   | 0                       | 0                   |                       |
| <b>2. EXCESS CLAIM FEES</b>   |                    |                     |                    |                     |                         |                     |                       |
|   |                    |                     |                    |                     |                         |                     | <b>Small Entity</b>   |
|   |                    |                     |                    |                     |                         |                     | <b>Fee (\$)</b>       |
| Each claim over 20 (including Reissues)   |                    |                     |                    |                     |                         |                     | 50                    |
| Each independent claim over 3 (including Reissues)  |                    |                     |                    |                     |                         |                     | 200                   |
| Multiple dependent claims   |                    |                     |                    |                     |                         |                     | 360                   |
|   |                    |                     |                    |                     |                         |                     | 180                   |
| <b>Total Claims</b>   |                    |                     |                    |                     |                         |                     |                       |
| <b>Extra Claims</b>   |                    |                     |                    |                     |                         |                     |                       |
| <b>Fee (\$)</b>   |                    |                     |                    |                     |                         |                     |                       |
| <b>Fee Paid (\$)</b>  |                    |                     |                    |                     |                         |                     |                       |
| <b>Multiple Dependent Claims</b>  |                    |                     |                    |                     |                         |                     |                       |
| <b>Fee (\$)</b>   |                    |                     |                    |                     |                         |                     |                       |
| <b>Fee Paid (\$)</b>  |                    |                     |                    |                     |                         |                     |                       |
| <b>3. APPLICATION SIZE FEE</b>  |                    |                     |                    |                     |                         |                     |                       |
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| <b>Total Sheets</b>   |                    |                     |                    |                     |                         |                     |                       |
| <b>Extra Sheets</b>   |                    |                     |                    |                     |                         |                     |                       |
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| <b>Fee (\$)</b>   |                    |                     |                    |                     |                         |                     |                       |
| <b>Fee Paid (\$)</b>  |                    |                     |                    |                     |                         |                     |                       |
| <b>4. OTHER FEE(S)</b>  |                    |                     |                    |                     |                         |                     |                       |
| Non-English Specification, \$130 fee (no small entity discount)   |                    |                     |                    |                     |                         |                     |                       |
| Other (e.g., late filing surcharge):  |                    |                     |                    |                     |                         |                     |                       |

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|---------------------|-------------------------|-----------------------------------|-----------------|
| <b>SUBMITTED BY</b> |                         |                                   |                 |
| Signature           | <i>Ashley I. Pezzer</i> | Registration No. (Attorney/Agent) | 35,646          |
| Name (Print/Type)   | Ashley I. Pezzer        | Telephone                         | (302) 658-9141  |
|                     |                         | Date                              | August 17, 2006 |

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